

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE**

Christopher Palermo

v.

Civil No. 11-cv-540-SM

Ron White, Superintendent,  
Merrimack County Department of  
Corrections, et al.

**O R D E R**

Before the court is Christopher Palermo's complaint (doc. no. 1), filed pursuant to 42 U.S.C. § 1983 and the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000cc-1(a) ("RLUIPA"), while he was incarcerated at the Merrimack County House of Corrections ("MCHC").<sup>1</sup> The complaint is before this magistrate judge for a preliminary review, pursuant to United States District Court District of New Hampshire Local Rule ("LR") 4.3(d)(2) and 28 U.S.C. § 1915A.

For the reasons fully explained in a report and recommendation issued this date, the court finds that Palermo has stated individual capacity damages claims upon which relief may be granted alleging retaliation against MCHC Cpl. Martin,

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<sup>1</sup>Palermo is now incarcerated at the New Hampshire State Prison.

and alleging violations of the Fourteenth Amendment Equal Protection Clause, First Amendment Free Exercise Clause, and RLUIPA, against MCHC Chaplain Rev. W. Plenge. Accordingly, the court directs that the complaint (doc. no. 1) be served on Cpl. Martin and Rev. Plenge.<sup>2</sup>

The clerk's office is directed to prepare summons forms for each of the defendants at their place of business: Merrimack County House of Corrections, 314 Daniel Webster Hwy., Boscawen, NH 03303. The clerk's office shall forward to the U.S. Marshal's office: the summonses; the complaint (doc. no. 1); the report and recommendation issued this date; and this Order. Upon receipt of the necessary documentation, the U.S. Marshal's office shall effect service upon the named defendants. See Fed. R. Civ. P. 4(c)(3) and 4(e). Defendants are instructed to answer or otherwise plead within twenty-one days of service. See Fed. R. Civ. P. 12(a)(1)(A).

Palermo is instructed that all future pleadings, written motions, notices, or similar papers shall be served directly on

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<sup>2</sup>In the report and recommendation, the court recommended dismissal of all of the other claims and defendants in the complaint.

defendants by delivering or mailing the materials to them or their attorney(s), pursuant to Fed. R. Civ. P. 5(b).

**SO ORDERED.**



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Landya McCafferty  
United States Magistrate Judge

September 4, 2012

cc: Christopher Palermo, pro se

LBM:jba